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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,224	10/16/2001	Reuben Bahar	133/117	4472

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/978,224

Applicant(s)

BAHAR, REUBEN

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 155-255 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 155-255 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In part (a) of the claim it is unclear which party is being addressed when the claim limitation reads as follows: "storing recipient data pertaining to at least one party on a computer on a computer associated with said at least one party for purposes of retrieving e-mail". Claim language needs to be clarified for proper claim interpretation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 155-255 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (U.S. 6,629,131B1) and Flynn et al (U.S. 6,618,747B1).

5. As per claims 155, 184, 208, 235, 236, 237, 244, 248 & 252 Choi disclosed a method for verifying whether an e-mail sent by a sending party was accessed by an intended recipient, said method comprising: a) storing recipient data pertaining to at least one party on a computer associated with said at least one party for purposes of retrieving e-mail, said stored recipient data identifying said at least one party (col.1, lines 36-53); b) transmitting an e-mail from a sender computer to an intended recipient, the sender computer being connected to a communications network; c) delivering said e-mail to a recipient e-mail address (col.2, lines 59-67). However Choi did not explicitly disclose d) detecting an access event, and discovering the stored recipient data that identifies the recipient associated with the recipient e-mail address to which such e-mail was delivered; e) generating a confirmation of receipt notice wherein the discovered recipient data is included in said confirmation of receipt notice; and sending said confirmation of receipt notice, wherein the discovered recipient data contained in said confirmation of receipt notice can be compared to delivery information associated with said intended recipient in order to verify whether the e-mail was accessed by the intended recipient. IN the same field of endeavor Flynn disclosed d) detecting an access event, and discovering the stored recipient data that identifies the recipient associated with the recipient e-mail address to which such e-mail was delivered; e) generating a confirmation of receipt notice wherein the discovered recipient data is included in said confirmation of receipt notice; and sending said confirmation of receipt notice, wherein the discovered recipient data contained in said confirmation of receipt notice can be compared to delivery information associated with said intended recipient in order to verify whether the e-mail was accessed by the intended recipient (col.6, lines 53-56).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the discovered recipients data in the confirmation receipt as disclosed by Flynn in a method of verifying whether e-mail was delivered to the intended recipient as disclosed by Choi in order to make the e-mail delivery system more secure and protected by giving the sender the ability to know exactly who the e-mail content was delivered resulting in assured and verified communication between users on a network.

6. As per claims 157, 163, 185, 191, 209, 215, 245-247, 249-251 & 253-255 Choi-Flynn disclosed the method as in claim 155, wherein said access event comprises access of said e-mail that was delivered to said recipient e-mail address (Flynn, col.6, lines 66-67 & col.7, lines 1-21).

7. As per claims 158, 181-183, 186 & 210 Choi-Flynn disclosed the method as in claim 155, wherein said access event comprises access of an email account associated with said recipient e-mail address (Flynn, col.6, lines 66-67 & col.7, lines 1-21).

8. As per claims 160, 188 & 212 Choi-Flynn disclosed the method as in claim 155, further comprising the steps of transmitting and delivering to the recipient e-mail address an executable attachment file in conjunction with the e-mail file, the executable attachment file having a first module for discovering the stored recipient data, a second module for generating the confirmation of receipt, notice, and a third module for transmitting the confirmation of receipt notice, and upon the detection of the access event, automatically executing the first, second, and third modules of the executable attachment file (Flynn col.53-67 & col.7. lines 1-19).

9. As per claims 161, 189 & 213 Choi-Flynn disclosed the method as in claim 160, wherein the executable attachment file has a fourth module transmitted and delivered therewith, the fourth module for detecting the access event, and further comprising the step of automatically executing the fourth module upon delivery of the attachment file to the recipient e-mail address (Flynn col.53-67 & col.7. lines 1-19).

10. As per claims 162, 190, 214, 230, 231 & 232 Choi-Flynn disclosed the method as in claim 208, further comprising the step of determining, upon delivery of the e-mail file to then recipient e-mail address, whether the delivered e-mail file is of at least one designated file-type; requiring a confirmation of receipt notice, and wherein the step of prompting said party who initiated said access event for recipient data occurs upon a determination that the delivered e-mail file is of the at least one designated file-type (Flynn col.6, lines 53-67 & col.7. lines 1-19).

11. As per claims 164, 192 & 216 Choi-Flynn disclosed the method as in claim 163, wherein said recipient computer is a server of a service provider (Choi, col.2, lines 59-67).

12. As per claim 166 & 233 Choi-Flynn disclosed the method as in claim 155, wherein said computer is a remote user computer from which said recipient may gain remote access to said recipient e-mail address (Flynn, col.5, lines 46-67 & col.6, lines 1-21).

Art Unit: 2143

13. As per claims 156, 167, 194, 218, 171, 198, 169, 196, 200, 234, 238, 239, 240, 241, 168, 195, 219, 173, 222, 243, 172, 199, 221, 242, 170, 197, 176, 203, 225, 177, 204, 226, 178, 205, 227, 174, 201, 223, 165, 193, 217, 159, 187 & 211 Choi-Flynn disclosed the method as in claim 155, wherein said stored recipient data pertains to alphanumeric text identification, biometric identification, password identification, a computer generated user code, or a combination thereof (Flynn, col.5, lines 46-67 & col.6, lines 1-21).

14. As per claims 175, 202 & 224 Choi-Flynn disclosed the method as in claim 155 further including the step of including in said confirmation of receipt notice access event data of attendant conditions of said access event (Flynn col.6, lines 53-67 & col.7. lines 1-19).

15. As per claims 179, 180, 206, 207, 228 & 229 Choi-Flynn disclosed the method as in claim 155, wherein said confirmation of receipt notice is used to verify proper delivery of legal documents (Flynn, col.5, lines 46-67 & col.6, lines 1-21).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

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